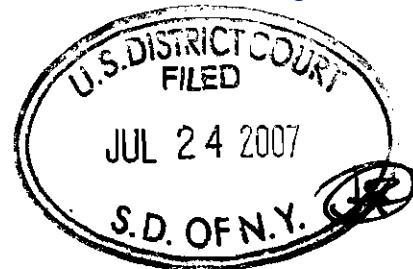


06-cv-00855-NRB Docu#6

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**



**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

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06 CV 0855 (NRB)

**CONSENT MOTION
TO LIFT STAY OF
PROCEEDINGS**

LAZARO JOSE RODRIGUEZ,

卷之三

Defendant.

LAZARO JOSE RODRIGUEZ,
Defendant.

Defend

Defendant.

Plaintiff U.S. Commodity Futures Trading Commission (the "Commission") by affidavit of Linda Y. Peng and the exhibit attached thereto, and Defendant Lazaro Jose Rodriguez consent to the motion before this Court to lift the stay of proceedings pursuant to the *Consent Order of Preliminary Injunction and Stay of Proceedings* entered on or about March 9, 2007:

Plaintiff Commission further requests that this Court set a date by which Defendant interpose an answer to the complaint filed by the Commission on February 3, 2006.

Respectfully submitted,
Attorneys for Plaintiff
U.S. Commodity Futures Trading Commission

Dated: July 12, 2007

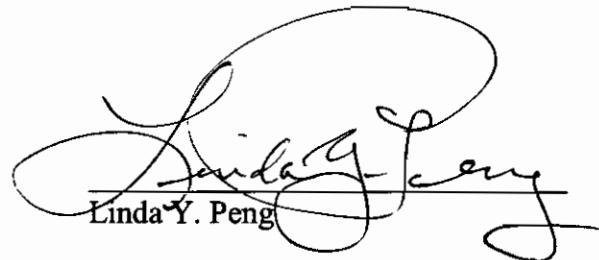
By: Linda Y Peng (LP 2447)
Senior Trial Attorney
Division of Enforcement
140 Broadway
New York, NY 10005
(646) 746-9746
(646) 746-9940 (fax)

CERTIFICATE OF SERVICE

I, Linda Y. Peng, hereby certify that I caused to be served a copy of Consent Motion to Lift Stay of Proceedings, Affidavit of Linda Y. Peng In Support of Motion to Lift the Stay of Proceedings with attached exhibit, and the Order to Lift Stay to counsel of Defendant Lazaro Jose Rodriguez listed below via U.S. Mail on this 12th day of July, 2007.

Attorney for Defendant Lazaro Jose Rodriguez

Stephen Amster, Esq.
New World Tower, Suite 1100
100 North Biscayne Blvd.
Miami, FL 33132

A handwritten signature in black ink, appearing to read "Linda Y. Peng". Below the signature, the name "Linda Y. Peng" is printed in a smaller, sans-serif font.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

U.S. COMMODITY FUTURES TRADING)
COMMISSION,) 06 CV 0855 (NRB)
)
)
Plaintiff,) AFFIDAVIT OF LINDA Y. PENG
) IN SUPPORT OF MOTION
) TO LIFT THE STAY OF
) PROCEEDINGS
)
v.)
)
)
LAZARO JOSE RODRIGUEZ,)
)
)
Defendant.)

I, Linda Y. Peng, do hereby declare as follows:

1. I am a senior trial attorney with the Division of Enforcement of the Plaintiff, U.S. Commodity Futures Trading Commission (“Commission”) and am fully familiar with the facts and circumstances in the above-captioned case.

2. This affidavit is in support of the Commission's motion to lift the stay ("Commission's Motion") that is in effect pursuant to the *Consent Order of Preliminary Injunction and Stay of Proceedings* ("Stay Order"), entered on March 9, 2006.

Procedural History

3. On or about February 3, 2006, the Commission filed a complaint for a permanent injunction and other relief pursuant to Section 6c of the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. §13a-1 (2002), against Defendant Lazaro Jose Rodriguez.

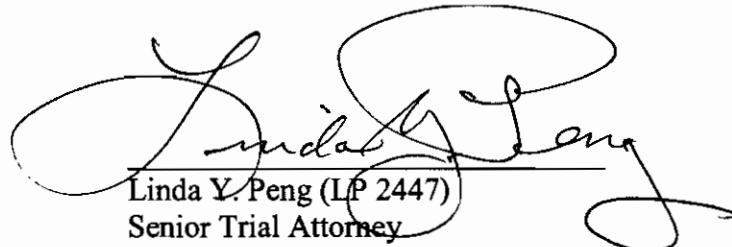
4. At about the same time, as Defendant Rodriguez was indicted and incarcerated pursuant to the related criminal case in the Southern District of Florida in Miami, *U.S. v.*

Rodriguez et al., Docket No. 06-20070-CR-Cooke, (S.D.Fla. Feb. 2, 2006), this Court entered the *Stay Order*, in which Defendant consented to a permanent injunction and stay of proceedings, pending the outcome in the related criminal case.

3. On March 13, 2007, Defendant Rodriguez entered into a plea agreement and was later sentenced to a 45-month prison term and payment of \$2 million in restitution. Defendant Rodriguez is currently incarcerated in Florida

4. Counsel for Defendant Rodriguez has agreed to accept service of all papers in connection with Plaintiff Commission's Motion and stated that the Commission's Motion will be not be opposed. (Letter from Linda Y. Peng to Steven E. Amster confirming the consent to the Commission's motion, dated July 10, 2007, is attached hereto as Exhibit 1.)

I declare under penalty of perjury that the foregoing is true and correct.



Linda Y. Peng (LP 2447)
Senior Trial Attorney
U.S. Commodity Futures Trading
Commission
Division of Enforcement
140 Broadway, 19th FL
New York, NY 10005
(646) 746-9700
(646) 746-9940 (fax)

Dated: 12th day of July, 2007
New York, New York.

Exhibit A



U.S. COMMODITY FUTURES TRADING COMMISSION

140 Broadway
New York, New York 10005
Telephone: (646) 746-9733
Facsimile: (646) 746-9940

Division of
Enforcement

July 10, 2007

VIA FACSIMILE
(305) 667-4816

Steven E. Amster, Esq.
New World Tower, Suite 1100
100 North Biscayne Boulevard
Miami, FL 33132

Re: *CFTC v. Lazaro Jose Rodriguez*
Docket No. 06 CV 0855 (S.D.N.Y.) (J. Buchwald)

Dear Mr. Amster:

As you are aware, plaintiff, Commodity Futures Trading Commission ("Commission"), will be making a motion to lift the stay that is in effect in the above-referenced case pursuant to the *Consent Order or Preliminary Injunction and Stay of Proceedings*, entered on March 9, 2006.

This is to confirm that you will accept service on behalf of defendant Lazaro Jose Rodriguez all papers in connection with the Commission's motion to lift the stay, and that the motion will not be opposed. Kindly confirm by executing your signature below.

Thank you for your attention.

Yours very truly,

Linda V. Pena
Senior Trial Attorney

Acknowledged and Consented To:


By: Steven E. Amster, Esq.
Attorney for Defendant Lazaro Jose Rodriguez